

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 7, 2010**

The Tippecanoe County Commissioners met on Monday, June 7, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

***APPROVAL OF MINUTES***

- Commissioner Byers moved to approve the May 17, 2010 regular meeting minutes as presented, second by Commissioner Murtaugh; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS***

Commissioner Assistant Frank Cederquist recommended approval of the Accounts Payable Vouchers for May 19, 20, 21, 26, 27, 28, June 3, 4, and 7, 2010. Commissioner Assistant Frank Cederquist stated that Auditor Weston has removed her name from two interpreter claims for Superior Court 6.

- Commissioner Murtaugh moved to accept the Accounts Payable Vouchers as presented, second by Commissioner Byers; motion carried.

***DARK FIBER LEASE-FIFTH AMENDMENT***

Commissioner Murtaugh said this amendment would allow Tippecanoe Villa to be brought onto the County's high-speed fiber connection. Commissioner Murtaugh said that the Comcast Cable connection would be cancelled. In addition, it will reduce travel time to the Villa for support related issues and maintenance, improve internal customer service, and allow Tippecanoe Villa to be added to the new phone system. Commissioner Murtaugh added that the initial cost was reduced \$3,500 by allowing the vendor to store construction materials on the site temporarily. The actual budget for this project was \$16,380 and came in at \$12,880.

- Commissioner Murtaugh moved to approve the fifth amendment to the Dark Fiber Lease Agreement between Indiana Datapipe, LLC, and Tippecanoe County, second by Commissioner Byers; motion carried.

***DARK FIBER LEASE-SIXTH AMENDMENT***

Commissioner Murtaugh stated that the sixth amendment is the addition of the redundant fiber connection and is in the long-term plan. In the event that the primary connection to the county office building or the courthouse would be cut or damaged in any way, the redundant fiber would kick in. The actual budget for the project was \$70,000 and came in at \$45,600.

- Commissioner Murtaugh moved to approve the sixth amendment to the Dark Fiber Lease Agreement between Indiana Datapipe, LLC, and Tippecanoe County, second by Commissioner Byers; motion carried.

***AREA PLAN COMMISSION – ORDINANCE 2010-09-CM – Ryan O'Gara  
Unified Zoning Ordinance Amendment #65***

Assistant Director Ryan O'Gara stated that amendment #65 will replace amendment #63 regarding reconstruction of substantially damaged buildings within the floodplain. Specifically it is in regards to the

elevation of structures in the floodplain. Assistant Director O’Gara added that these changes would make Tippecanoe County consistent with state law. Some of the changes are as follows: typographical errors, terminology changes, such as fund chart rates map to flood insurance study, clarification of the difference between structures and residences as it applies to elevating, old references such as NGVD or National Geographic Vertical Datum 1929 to North American Vertical Datum 1988. Also included is an extension from January 1, 2013 to July 1, 2013 extending the time allowed to residents to have their residence elevated. Area Plan Commission and Tippecanoe County has received verbal approval from the state that these changes meet their expectations with respect to elevating structures in the floodplain.

May 20, 2010  
 Ref. No.: 10-129  
 Tippecanoe County Commissioners  
 20 N. 3rd Street  
 Lafayette IN 47901

**CERTIFICATION**

**RE: UZO AMENDMENT #65:**

An ordinance amendment replacing previous UZO amendment #63 regarding reconstruction of substantially damaged buildings within the Flood Plain.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 19, 2010, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,  
 Sallie Dell Fahey  
 Executive Director  
 SDF/lmu  
 Enclosure: Staff Report and Ordinance

Commissioner Byers stated that this is mostly housekeeping and made the following motion

- Commissioner Byers moved to approve UZO Amendment #65, Ordinance 2010-09-CM as presented, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers Yes  
 Knochel Yes  
 Murtaugh Yes

Ordinance 2010-09-CM passes 3-0 on first and final reading.

***HIGHWAY–Opal Kuhl***

**Receiving of Bids for the 2010 Culvert Replacement**

County Attorney Dave Luhman opened the bids for the 2010 Culvert Replacement project.

1. Atlas Excavating	\$540,000.00
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2. Fairfield Contractors Inc.	\$559,821.00
3. Wirtz & Yates Construction	\$470,198.51
4. HIS Constructors	\$656,055.50
5. Hagerman Inc.	\$628,551.00
6. Milestone	\$432,680.05
7. Crider & Crider	\$483,588.50
8. American Contracting & Services Inc.	\$579,004.11
9. Jack Issom Construction	\$471,359.07
10. Pioneer Associates Inc.	\$449,290.00
11. F & K Construction	\$427,039.00

Attorney Luhman recommended the bids be taken under advisement for review of compliance with the specifications.

- Commissioner Byers moved to take the bids for the 2010 Culvert Replacement under advisement, second by Commissioner Murtaugh; motion carried.

Commissioner Knochel thanked all of the companies that submitted a bid to the County.

**Bridge #51 – Contract Modification #1 from H. Stewart Kline & Associate, Inc.**

Director Kuhl stated that it was discovered that the swirl separator that had previously been selected would be difficult to maintain and service, a different one has been selected at an additional cost of \$12,917. Due to the amount of recreational waterway traffic, buoys with lights that will direct traffic to another part of the bridge and away from any construction work, is necessary to control traffic. This change order is \$32,117.50, which adjusts the overall contract to \$2,405,802.22.

- Commissioner Murtaugh moved to approve Change Order #1 from H. Stewart Kline & Associates as presented, second by Commissioner Byers; motion carried

**2009 Culvert Replacement Contract – Supplemental Agreement #2 from Butler, Fairman, and Seufert, Inc.**

Director Kuhl said that Butler, Fairman, and Seufert, Inc. were hired to look at several culverts in the County. The County has determined that small culverts, those not re-sized, can be done in-house. There are several other culverts that are currently having design and survey work done and will be put into contracts in the future. From the original list that Butler, Fairman, and Seufert, Inc were working on, changes include Randolph 501 that will replace Wea 304, which has been pulled out of the contract because of the need to have an opening of more than 20 feet, thus making it a bridge. An additional culvert, Sheffield 001 needs to be added for design and survey work. Supplemental Agreement #2 is for \$30,800, the original contract for \$181,000 had been previously modified by \$13,910, which brings the total to \$495,710.

- Commissioner Byers moved to approve Supplemental Agreement #2 from Butler, Fairman, and Seufert, Inc. as presented, second by Commissioner Byers; motion carried.

**2010/2012 NBIS Project – LPA consultant Contract from H. Stewart Kline & Associate, Inc.**

Director Kuhl presented a Local Participating Agreement (LPA) Contract from H. Stewart Kline & Associate, Inc. for the National Bridge Inspection Standards (NBIS) project for bridge inspections. This 100% federal reimbursement contract is renewed every four years. The total contract is \$279,860 or \$1,400 per bridge; there are 200 bridges in Tippecanoe County. Since the Minneapolis St. Paul Bridge

failure, requirements have been upgraded and changed. New load ratings and new software called the LEAP load-rating software will require more labor hours until all the data has been entered into the system resulting in an increase in the cost.

- Commissioner Murtaugh moved to approve the LPA Contract with H. Stewart Kline & Associate, Inc. for the NBIS project as presented, second by Commissioner Byers; motion carried.

### **Highway Garage and Site Improvements**

#### **Professional Services Agreement Amendment #2 from R. W. Armstrong, Inc.**

Director Kuhl presented amendment #2 from R. W. Armstrong, Inc. for survey and inspection work on the highway garage upgrade. The lump sum portion increased by \$15,100 and the hourly rates portion increased by \$4,200. This is mainly due to the time it took to get Indiana Department of Environmental Management (IDEM) permitting because of the work in the floodplain (Elliot Ditch). The original lump sum was \$35,800 and the original hourly was \$39,700.

- Commissioner Byers moved to approve the Professional Services Agreement Amendment #2 with R. W. Armstrong, Inc. as presented, second by Commissioner Murtaugh; motion carried.

#### **Ordinance 2010-08-CM – Traffic Schedule regarding Speed Limits and Weight Limits – 2<sup>nd</sup> reading**

Director Kuhl requested approval of Ordinance 2010-08-CM. The first item to be changed is CR 450 E from 45 mph to 50 mph per the speed study. In addition, the elimination of load limits on some segments of road that the County does not have the personnel to enforce. Director Kuhl stated that the Highway Department had not received any calls or complaints on these items.

Commissioner Knochel asked for public comments.

None

- Commissioner Murtaugh moved to approve Ordinance 2010-08-CM on 2<sup>nd</sup> reading as presented, second by Commissioner Byers; motion carried.

Auditor Weston recorded the vote:

Byers Yes  
Murtaugh Yes  
Knochel Yes

#### **3 year Maintenance Bond from Fairfield Contractors, Inc. in the amount of \$5,000 – Culvert Replacement Project for SHL 503 Culvert**

Director Kuhl presented a 3-year maintenance bond from Fairfield Contractors in the amount of \$5,000 for approval. This is for the Shelby 503 Culvert just outside of Montmorenci.

- Commissioner Byers moved to approve the 3-year Maintenance Bond from Fairfield Contractors for \$5,000 as presented, second by Commissioner Murtaugh; motion carried.

#### **Contract for Engineering Services from Beam, Longest and Neff, L.L.C. – Eisenhower Road Drainage Improvement Project**

Director Kuhl presented a contract with Beam, Longest and Neff, L.L.C. for approval. This is for a suspected erosion problem along Eisenhower Road. After studying those locations, it was recommended

that the County monitor them including the hillside where the gardens are located. There was an erosion problem at the southeast end of Eisenhower Road and the County will be proceeding with that project. Beam, Longest and Neff, L.L.C. will do the design work along with some soil analysis and the survey. The costs are as follows: survey: \$10,200, design work \$15,900 and soil analysis \$12,800 and does include language for right-of-way if needed.

- Commissioner Murtaugh moved to approve the contract with Beam, Longest and Neff, L.L.C. for engineering services as presented, second by Commissioner Byers; motion carried.

#### ***BUILDING COMMISSION–Ron Highland***

Building Commissioner Ron Highland submitted bids for the demolition of a structure owned by Eric Tendam located at 835 E 725 N, West Lafayette. Commissioner Highland stated that he had received four sealed bids for the demolition of the structure and submitted them to Attorney Luhman. Commissioner Highland said that a notice has been posted on the unsafe structure, and a certified letter sent to appropriate owners. A sheriff's deputy also hand-delivered a notice to Mr. Tendam's residence and to his parents. There has been no change to the property as of May 24, 2010 and no response from the property owner. Commissioner Highland stated that to his knowledge the County has fulfilled all requirements before proceeding. Attorney Luhman requested a copy of the notice that was posted at the property and mailed to Mr. Tendam. Attorney Luhman stated that the order that was delivered to Mr. Tendam did notify him that there was a hearing today June 7, 2010 at 10:00 a.m. It ordered him to seal the structure and remove all trash, debris, and fire hazardous materials from the house and yard. It also advised him that if he failed to appear today that the Commissioners might enter an order for the County to do the demolition at his cost, that a lien could be placed on his property, and a civil penalty of up to \$5,000 could also be imposed if the commissioners found a willful failure to comply. Commissioner Byers asked if anyone from the financial institution that holds the lien on the property was present; there was not. Commissioner Knochel recommended opening the bids for the demolition.

Attorney Dave Luhman opened the bids.

Exterior View	\$ 6,500.00
Smith Contracting	\$ 6,800.00
Excavations Plus	\$17,670.80
Lauramie Excavations Inc.	\$ 6,800.00

Attorney Luhman stated that the commissioners could take the bids under advisement or move to accept one of the bids today.

Commissioner Knochel asked for comments from the public.

Linda Bradbury–831 E 725 N, West Lafayette–stated that she lives very close to Mr. Tendam's home. Ms. Bradbury voiced concerns that the garage would not be taken down with the house. Ms. Bradbury stated that she had talked with Mr. Tendam and he is aware of the notice posted on his property and is aware of this meeting today. Ms. Bradbury stated that she feels that Mr. Tendam does not have the resources to remove the building and is unsure of how to proceed. She added that this problem would not go away until the house is gone.

Attorney Luhman stated that the bids include the permit for the demolition of all unsafe structures and all building materials, removal of all trash from the site, grading and seeding the lot, filling all basements or crawl spaces to grade level, obtaining all permits needed and complying with all regulation per the Highway and Health Department. If needed the main sewer line will be capped and biodegradable

materials would be covered up. In addition, no projections above grade will be allowed unless previously approved by the Building Commissioner.

Commissioner Byers stated that the garage was not included as an un-safe structure and asked Building Commissioner Ron Highland if it would be included in the demolition. Commissioner Highland replied that it is not included in the demolition.

- Commissioner Murtaugh moved to accept the bid from Exterior View for \$6,500 for demolition of the property at 835 E 725 N, West Lafayette as presented, second by Commissioner Byers; motion carried.

Attorney Luhman stated that the commissioners must order the building demolished subject to Inspector Ken Brown filing the affidavit to verify that service was reported. Commissioner Murtaugh asked if there is a waiting period before demolition can take place. Attorney Luhman stated that demolition can be done right away.

- Commissioner Murtaugh moved to file the Order of Demolition for the structure located at 835 E 725 N, West Lafayette as presented, second by Commissioner Byers; motion carried.

Commissioner Knochel stated that a concerned citizen contacted the commissioners about another structure and he would like to hear from him while Building Commissioner Ron Highland is present.

Bob Massey—775 E, Monitor—said that he owns rental property across the street from the building known as Monitor School. Mr. Massey stated that his tenants have requested to break their lease citing the number of people in and out of the abandoned building. The building is rapidly deteriorating due to vandalism. Mr. Massey would like to know if the County has any plans for the building.

Attorney Dave Luhman stated that the building is owned by New Directions Inc., and has a bankruptcy pending. An order in the bankruptcy court allowed the bank to proceed with the foreclosure action and they have done that, offering the property at the Sheriff's sale this past January. There were no offers for the property at that time. Although New Directions Inc. is the owner, Lafayette Community Foundation does have a judgment authorizing them to re-offer the property at the Sheriff's sale. Adjoining the property is real estate, and that real estate is still subject to the rights of the bankruptcy trustee and not included in the sale of the school. Commissioner Knochel asked Building Commissioner Ron Highland and Inspector Ken Brown the condition of the property. Inspector Brown stated that windows are broken out, all doors are accessible to the public, the escape tube is not secure, and the inside has severe water damage including places where it is possible to fall through multiple floors. Building Commissioner Ron Highland stated that the un-safe structure fund does not have enough funds to demolish that building. Commissioner Murtaugh asked if there were other buildings on the property. Commissioner Highland stated that there are a couple of pole barns which were used in the manufacturing of pallets, however they are not in danger of falling down and the safety issue is not as great in a pole barn. Commissioner Knochel asked Attorney Luhman if the County could legally ask building permits to board-up and secure the structure. Attorney Luhman stated that the same process would need to be followed as with other un-safe structures. A notice would need to be sent to the owners requiring them to board up the building and make it safe. If they do not comply then a hearing can be scheduled before the Board of Commissioners and if they find it has not been secured the Commissioners can then order the Building Commission to secure the structure at the County's expense. Major Williams said that the Sheriff's Department does receive a number of calls to that structure. Commissioner Murtaugh asked for a ballpark estimate on the cost to demolish the building. Building Commissioner Ron Highland said that cost would be extremely high, probably in the hundreds of thousands dollars. Grant Facilitator Laurie Wilson is in the process of

looking for grant money to help with this if removal becomes necessary. Commissioner Highland added that the cost to secure the building is probably a few thousand dollars.

- Commissioner Byers moved that notice be served to New Directions Inc. owners of Monitor School giving them notice to make the building secure, second by Commissioner Murtaugh; motion carried.

#### ***ADDENDUM TO RENTAL AGREEMENT***

##### **Witteveen and Kessler, LLC, and Tippecanoe County**

Commissioner's Assistant Frank Cederquist submitted an addendum to a lease agreement with Witteveen and Kessler, LLC. for approval. This storage space is located in the River City Market building; the lease was entered into in 2004 for the storing of paper records. This addendum proposes an increase of fees for three storage locations. The increase would be \$10 a month for two locations that currently rent for \$125 per month and \$25 for one location that currently rents for \$150 per month for a total increase of \$45 per month.

- Commissioner Murtaugh moved to accept the addendum to the Storage Rental Agreement with Witteveen and Kessler, LLC. as presented, second by Commissioner Byers; motion carried.

#### ***ADDENDUM TO SRI AGREEMENT***

SRI Client Service Director Glen Luedtke presented an addendum to an agreement concerning tax sales. This would increase fees from \$65 to \$70. The fees are paid by the taxpayer or by the lien buyer. The last fee increase was in 2007.

- Commissioner Murtaugh moved to accept the addendum to the SRI contract as presented, second by Commissioner Byers; motion carried.

#### ***VILLA***

Commissioner Byers recommended accepting the following applications to the Villa.

Joseph J Lunk  
Barbara Jo Lane  
Shirley A Gerlach  
Della Mae Lewis

- Commissioner Byers recommended accepting the applications to Tippecanoe Villa as presented, second by Commissioner Murtaugh; motion carried.

#### ***UNFINISHED BUSINESS***

None

#### ***NEW BUSINESS***

Auditor Jennifer Weston said that according to the budget schedule and timeline a recommendation on salaries for 2011 from the commissioners is needed. This will allow department directors to move forward with their 2011 budgets. There was no raise in 2010 so costs are essentially the same, adding that PERF will be going up another ¼ percent, which costs between \$45,000 and \$50,000. Auditor Weston stated that this is an initial recommendation in order to allow the Auditor's Office to prepare salary statements

for the different departments. The Commissioners will have until August 20, 2010 to make a formal recommendation to the Council if desired. Commissioner Knochel stated that with the current revenue projections he did not believe that employee raises could be considered.

- Commissioner Murtaugh moved not to recommend an increase in employee wages for 2011, second by Commissioner Byers; motion carried.

### ***REPORTS ON FILE***

Mail and Duplicating  
Circuit Court  
Weights & Measures  
Crystal Creek Kennel  
Treasurer  
Parks Department

### ***PUBLIC COMMENTS***

Paul Wright–West Point–spoke of an article in the Journal & Courier a few weeks ago about the cost of the jail build-out quoting it at \$468,000, the original cost estimate on Resolution 2009-19-CM was for \$355,000 and asked if this was correct. Mr. Wright commended the Sheriff's Department for using Sheriff personnel to do work inside the jail such as painting. Mr. Wright went on to say that, paying benefits to prior assessors may be legal, but did not seem like the right thing to do. Adding that one of the assessors had turned in a resignation via email. Mr. Wright went on to say that he was pleased that the Commissioners had voted not to give pay raises to employees in 2011.

Commissioner Murtaugh commended the Sheriff's Department for another very successful Red Cross Fish Fry.

Commissioner Byers moved to adjourn.

### **BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE**

ABSENT

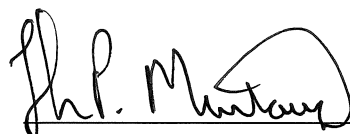
John L. Knochel, President

D. S. B.

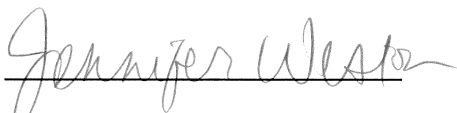
David S. Byers, Vice President



**ATTEST:**

A handwritten signature in black ink, appearing to read "Th. P. Murtaugh", written over a horizontal line.

Thomas P. Murtaugh, Member

A handwritten signature in black ink, appearing to read "Jennifer Weston", written over a horizontal line.

Jennifer Weston, Auditor